THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.15588 of 2006

Dated: 27-07-2006

Between:

P. B. Kumar and ten others.

..... PETITIONERS

AND

The District Registrar, Visakhapatnam, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.15588 of 2006

ORDER:

The petitioners, who are eleven in number, filed the instant writ petition seeking a writ of Mandamus declaring the notification issued by the Government vide G.O.Ms.No.583 dated 04-05-2005 under Section 22-A of the Registration Act, 1908 (the Registration Act, for brevity) as amended by the Andhra Pradesh Act No.4 of 1999 as unconstitutional and ultra vires. The petitioners also seek a consequential direction to the respondents to register the sale deeds presented by them in respect of land out of Acs.4.05 cents in survey Nos.144/1 (Oldsurvey No.287/4 part) situated at Madhuravada Village of Visakhapatnam Rural Mandal and District.

A Division Bench of this Court in W.P.No.14099 of 2003 and batch by a common order dated 07-12-2005, struck down Section 22-A of the Registration Act following the decision of the Supreme Court in **State of Rajasthan and others vs. Basant Nahata**[1]**.** It is also brought to the notice of this Court that a Division Bench of this Court in W.P.Nos.17325 of 2005 and batch by a common order dated 20-02-2006, again struck down similar notification issued under Section 22-A of the Registration Act, following the decision of the Supreme Court observing as follows.

> As a sequel to the above, G.O.Ms.No.810 dated 14-10-2004 is also quashed. However, it is made clear that registration of the documents of the petitioners would remain subject to the final adjudication by the Supreme Court. This would necessarily mean that if the appeal filed by the State is allowed by the Supreme Court, the registration of the documents of the petitioners shall stand automatically nullified.

Following the above judgment, notification of the Government in G.O.Ms.No.583 dated 04-05-2005 is quashed. Any registration would be subject to final adjudication by the Supreme Court and if ultimately the Supreme Court upholds the validity of Section 22-A of the Registration Act (as applicable to state of Andhra Pradesh), registration of the documents presented by the petitioners shall stand automatically nullified.

The writ petition, subject to above observations and directions, is accordingly allowed. No costs.

V.V.S.RAO, J

27th July 2006
ghn

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[1] 2005 AIR SCW 4456